

Watch List Standard Operating Procedures - EPA Regions

Watch List

Standard Operating Procedures

for

EPA Regions

January 2004

Watch List Standard Operating Procedures - EPA Regions

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1. Purpose

- 1.1 This document provides an overall framework for EPA Regions (Regions) and the Office of Enforcement and Compliance Assurance (OECA) to implement the Watch List (WL) Project and outlines the process that Regions and States/Locals should use to develop quarterly responses to the Watch List. The document also outlines how the WL project can be used for program management, targeting and prioritization.
- 1.2 The WL project was launched via a memorandum from the Assistant Administrator for OECA to the State Environmental Agency Commissioners and EPA Regional Administrators on January 28, 2004. Prior to this memorandum, OECA consulted with EPA Regional offices, and State environmental agency commissioners to develop the Watch List. EPA Regions and the States also conducted a Data Review Period that had been requested by the States. The Data Review Period was announced in an earlier memorandum from the Assistant Administrator for OECA on October 30, 2003.

2. Applicability

The WL project is implemented by those agencies and offices which are currently responsible for implementation of the Significant Non-Complier (SNC) policies for the Clean Water Act - NPDES (CWA), and Resource Conservation and Recovery Act (RCRA), and High Priority Violator (HPV) policy for the Clean Air Act - Stationary (CAA). Implementation of these policies/guidance are primarily performed by the compliance monitoring and enforcement offices of States' environmental agencies and Regions. However, under certain circumstances Local agencies have been given primary responsibility. Under these circumstances, the Region should either coordinate with its States or directly with responsible Local agencies in accordance with existing agreements.

3. Introduction and Project Outline

- 3.1 The WL project provides a framework for staff and management review of facilities that have longstanding violations without recent formal enforcement action. The project consists of the following components: (1) an automated tool allowing Regions and States/Locals to view facilities that meet a set of pre-defined criteria (see Attachment A); (2) a management framework that facilitates dialogues/consultations between Regions and States/Locals; and (3) a quarterly report by the Regional offices containing case status codes and explanations (see Attachment D).

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4. Definitions

- 4.1 Automated Watch List¹ - The list of facilities, available through the OTIS Watch List Web site, that meet one or more WL criteria prior to screening out Inactive Watch List facilities. This list is updated monthly to reflect any changes made to the data in the underlying national systems (RCRAInfo, Permit Compliance System (PCS), AIRS Facility Subsystem (AFS)).
- 4.2 Inactive Watch List¹ - The list of facilities that make the Automated Watch List described above, but do not require a Regional response to OECA. Reasons why facilities are inactivated are explained in Attachment C.
- 4.3 Active Watch List¹ - The list of facilities that make the Automated Watch List, and do require a Regional response to OECA.
- 4.4 Quarterly Regional Response Report (QRRR) - EPA Regional Offices will compile and submit to OECA, on a quarterly basis, the Watch List facility list with the following information for each facility: (1) Status Code and (2) Explanation (see Attachments B and D).
- 4.5 Status Code - A field (see Attachment B) which indicates the enforcement case(s) status. This status code will be determined by the Region (after consultation with the State/Local agency as appropriate under existing Region/State practices). In cases where two or more status codes are appropriate, only one code will be entered in the "Status Code" field (see list in Table B-1 in Attachment B). The remaining codes can be entered in the "explanation" field along with other narrative descriptions of the case.
- 4.6 Explanation - A companion field to the "Status Code" to be completed by the Regions that provides a narrative explanation of the enforcement case(s) circumstances or "Status", accomplishments, and future activities performed by the "lead" agency (i.e.,

¹ WL data are created monthly with each monthly refresh in the Integrated Data for Enforcement Analysis (IDEA) system and are then 'frozen' and do not change with subsequent updates to SNC/HPV data in program databases (AFS, PCS, RCRAInfo). All other compliance/enforcement data are copied or 'refreshed' into IDEA from these program databases each month.

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Region or State/Local). A short paragraph should be adequate for each facility on the Active Watch List (see Table D-1 in Attachment D).

- 4.7 “Official Quarterly Watch List” - the list of facilities which have one or more WL criteria “active” in the month which begins the calendar quarter - Jan, Apr, Jul and Oct).
- 4.8 “Monthly Update” - Database update that occurs in between WL quarters, thereby, allowing Regions and States/Locals a method to monitor and anticipate how the next official WL will change. No Regional response is required.

5. Roles and Responsibilities

The following offices play a significant role in implementing the Watch List. Roles and responsibilities are discussed for these offices throughout the document.

5.1 EPA Regional Offices:

- 5.1.1 Primary responsibility to implement the current SNC/HPV and related data management policies/guidance.
- 5.1.2 Primary responsibility to conduct quarterly WL dialogues with States/Locals to capture “status” and “explanations” for each facility where those agencies have the “lead” responsibility at a Watch List facility.
- 5.1.3 Primary responsibility to submit the “Quarterly Regional Response Report (QRRR)” to the Information Utilization and Targeting Branch of the Office of Compliance.
- 5.1.4 Regions will work with States/Local agencies to ensure that media-specific enforcement response policies and the current SNC/HPV and related data management policies/guidance are implemented.

5.2 Office of Regulatory Enforcement (ORE)

- 5.2.1 Primary responsibility for enforcement case related issues and coordination with Regions on problems relating to enforcement aspects of Watch List.

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5.3 Office of Compliance (OC)

- 5.3.1 Responsibility for developing the Watch List data set, maintaining the Watch List Web site and coordinating with ORE to produce analytic (trends) and trip reports.

6. Project Procedures - Operational Tasks/Timelines for Producing the Watch List

6.1 Regional Offices

- 6.1.1 Extract “official” Watch List from the Online Tracking Information System (OTIS), when appropriate data ‘refresh’ becomes available. This should occur during the last week of the following months for the “Official Quarterly Watch List” (January, April, July and October). See Example of Data Flow and Timelines shown in Table 1-1.
- 6.1.2 Develop a process or implementation plan with the State/Local agencies that will produce an EPA Regional response file as discussed below. (Note: OECA anticipates that these communications/meetings will coincide with already existing coordination methods required within the media SNC/HPV policies and/or negotiated PPA/PPG/Categorical Grant Enforcement Coordination sections).
- 6.1.3 Compile details of coordination meetings/dialogues and produce, on a quarterly basis, a QRRR which will be submitted to OC electronically. The Region has flexibility regarding how they consult with its States/Locals on determining the appropriate status codes and explanation. However, the electronic file(s) must be in the standard format as outlined below and submitted in either MS Excel or Lotus 1-2-3. MS Excel is highly recommended and is the easiest to produce since the WL Web site download automatically creates the Excel spreadsheet.
- 6.1.4 Regional office response files (QRRR) must be submitted prior to the “extraction date” that occurs two months after the official quarter month. This provides about 5-6 weeks total review time for the States and Regions. For example, the response to the ‘official’ January WL data will be due in early March, and the response to April data will be due in early June.
- 6.1.5 Regional responses can be in the form of three (3) ‘media’ specific Excel files or combined into one file at the Region’s option.
- 6.1.6 Regions should provide to OC a designated list of contact(s) for the purpose of fielding questions about the Regional quarterly Watch List processes.

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- 6.1.7 In accordance with current media SNC/HPV Policies/Guidance, perform data quality and timeliness reviews on a quarterly timeframe,. These reviews should ensure that the information in the appropriate national databases represents the entire SNC/HPV universe known to the States/Locals and Regional Office in a timely and complete manner. Regions should notify OECA of Data Quality problems that could result in SNC/HPVs being omitted from the national databases.
- 6.1.8 After submitting WL responses, the Regional office should follow-up on any action items noted in the response to OECA. For example, if a Region uses "data quality error" as a status code, the Region should ensure this error is promptly fixed so the facility does not erroneously appear on the next WL.
- 6.1.9 Regions should, consistent with appropriate authorizations to States/Locals, ensure implementation of the 'media' SNC/HPV Policies and associated data reporting requirements as published. Special attention, through appropriate QA/QC efforts, should be placed on ensuring that all SNC/HPVs are accurately reflected in the national databases.
- 6.1.10 Regions should participate in routine dialogues with States/Locals regarding the status of all SNC/HPV violation cases per existing SNC/HPV policies. On a quarterly basis, this dialogue should include discussion of an appropriate status code and an explanation for those facilities identified on the 'official' quarterly Watch List.

Table 1-1**6.2 Example of Data Flow and Timeline of Watch List**

(Note: Not all refresh steps are shown after Jan)

Step	Explanation	Responsible Agency/Office	Example Dates based on first WL
1	Data entry into program system concludes (Per Existing media data standards)	Regions States/Locals	January 16 th (official quarter)
2	IDEA extracts data from program systems	IUTB/IDEA Tm	January 16-19 th
3	IDEA calculates WL and finishes data refresh (Refresh in 'production' in OTIS)	IUTB/IDEA Tm	January 26 th (approx.)
4	WL data becomes available to OTIS users	IUTB contractor (Abt Associates)	January 27 th (approx.)

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5	Regional/State review of WL begins	Regions States/Locals	January 27 th (approx.)
6	February refresh updates WL (Region/State/Local 'informational' only)	Same as above	February 26 th (mid- Q update)
7	Responses due from Regions for January WL	Regional Enf. Coord.	March 6 th
8	EPA completes "loading" Regional responses to IDEA	IUTB/IDEA Tm	March 11 th
9	March refresh completed, OTIS updated with March data, and Regional responses	IUTB/IDEA Tm	March 28 th (mid-Q status update)
10	OECA completes review of January WL and Regional responses, submits WL status report to Management	IUTB & ORE Special/Media Divisions	April 14 th
11	New quarterly cycle starts with April data available	N/A	April 26 th (new official Qtr)

Note: Dates according to schedule for each program database (See OTIS site for refresh dates).

7. Deadlines and Process for Accepting Data from the Regional Offices

- 7.1 OC will accept QRRR spreadsheet files from the Regional offices that contain both the status code and the explanation from the Region. OC will post the reporting dates on the Watch List Web site. The IDEA Watch List data extraction months that are "official" Watch List quarters are January, April, July, and October (the Watch List will normally be available on about the 27th of the month). The Watch Lists generated from these four quarters will require a Regional response (e.g. QRRR).
- 7.2 OC will review the spreadsheets and upload them to IDEA so that they are available for EPA viewing in the month that they are reported. OECA will only accept status codes and explanations for the official quarter. Regions cannot report on "in-between" months (e.g. February, March, etc).

Submissions that are sent to OECA after the deadline will be loaded into IDEA in the following month. OC will provide a quarterly timeliness report to the Assistant Administrator for OECA.

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- 7.3 All status codes and explanations are **enforcement sensitive** and are, at this time, only available to HQ and Regional users that have a mainframe ID and IDEA 'enforcement sensitive' access authority/password. Regions may choose to share appropriate sections of their submitted file with the States/Locals, but OECA is not at this time able to provide this information to the appropriate State via the OTIS WL Web site.

8. Access Control

- 8.1 **Enforcement Sensitive** - 'Enforcement sensitive' and internal management discussions between Locals, States and Regional offices often take place, especially regarding the enforcement cases which are tracked on the Watch List portion of the SNC/HPV facility list. Therefore, the actual list of facilities and the current Status and Explanation for the Watch List facilities are protected under Federal FOIA law (5 U.S.C. § 552(b)(5) or (b)(7)(E)) regarding Agency deliberative process and/or enforcement process.

To the extent permitted by State law, States and Local agencies also should protect this information because it represents a shared dialogue between enforcement agencies. Certain aspects of the Watch List, a "subset" of the total list of SNC/HPVs, can indicate pre-decisional priorities and the status and explanation information provides insight into current and future enforcement process and decisions.

- 8.2 **Access to Watch List Web site** - all 50 States and some local agencies have WL access, but need to notify EPA if their internet protocols or firewalls are changed. For local agencies needing access see below.

8.3 How to Access?

First Step - Must have access to OTIS

Complete information at the following Web site and submit online.

<http://www.epa.gov/idea/otis/register>

Second Step - Submit a **copy** of the online form, along with a request to add your user(s) to Watch List access, to the SNC/HPV manager at the next appropriate office for SNC/HPV coordination. For example, a Local agency should send the form to the State agency or Regional office depending on grant agreements. A State agency should always send the form to the appropriate Regional office. EPA will send you instructions for accessing the WL website.

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9. References to Existing US EPA Policies, Guidance and Regulations

I. General/Multi-media

- A. Policy Framework for State/EPA Enforcement Agreements, August 25, 1986 with three addenda
- B. National Environmental Performance Partnership System, May 17, 1995

II. Clean Water Act (CWA)

- A. Clean Water Permit Program (NPDES), 40 CFR Part 123.45, Noncompliance and Program Reporting by the Director, Appendix A, Quarterly Noncompliance Report (QNCR), January 4, 1989, as amended June 2, 1989 and July 24, 1992).
- B. CWA Enforcement Management System (EMS), 1989
- C. Permit Compliance System (PCS) Data Entry, Edit and Update Manual (PCS-EU00-1.00, October 6, 2000.

III. Resource Recovery and Conservation Act (RCRA)

- A. Hazardous Waste Civil Enforcement Response Policy (ERP), March 15, 1996 with clarification memo, May 28, 1997

IV. Clean Air Act - (CAA) Stationary

- A. CAA, The Timely and Appropriate (T & A) Enforcement Response to High Priority Violations (HPVs) Policy, December 22, 1998
- B. CAA, HPV/AFS Technical Support Document, June 2000
- C. CAA, The Timely and Appropriate (T & A) Enforcement Response to High Priority Violations (HPVs) Workbook, June 23, 1999
- D. CAA, Users Guide to High Priority Violation Simplification in AFS, version 1.0 (DRAFT), November 9, 2000

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- E. AIRS Facility Subsystem (AFS) Data Dictionary and Manual
 See EPA's website at:
 <http://www.epa.gov/compliance/planning/data/air/afssystem.html>
- F. Combined Enforcement Policy for Clean Air Act Section 112(r) Risk
 Management Program, August 15, 2001
- V. Additional background documents relating to the WL development can be provided to
 Regions and States upon request by sending an email to leriche.arnold@epa.gov.

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**Attachment A
Watch List Criteria Definitions**

1. Clean Air Act Criteria

1a. Unaddressed HPV. Current high priority violator (HPV) that has been in unaddressed (no action) status for greater than 270 days.

1b. Repeat HPV without Deterrent. Current HPV with 3 or more findings of HPV (known as day zero's) within last 3 years without any penalty.

1c. Lingering Addressed HPVs. Four consecutive years of "addressed" but unresolved HPV status with current compliance status as "violation" or "unknown."

2. Clean Water Act Criteria

2a. Consecutive Significant Noncompliance with No Action (Approximation of Exceptions List).

2a1. Consecutive SNC effluent violations with no action. Permittees will meet this two-part criteria if during the last year (four quarters) either:

- they have been listed on the QNCR (QNCR Codes E, X, and S) for 2 or more consecutive quarters, and
- they have SNC effluent violations of the same pipe and parameter for those QNCR quarters, and
- there has not been an enforcement action;

OR,

- they have had three consecutive QNCR quarters in which SNC-level effluent violations occurred at the same pipe and same parameter, and
- there has not been a formal enforcement action

2a2. Other SNC violations in consecutive quarters with no action. Facilities with two quarters in a row of the same non-effluent SNC facility-level code (*e.g.*, compliance schedule violation, DMR non-receipt) within the last year, and no formal enforcement action.

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Criteria b, c, and d are “pilot” criteria

(Criteria relate to the existing Enforcement Management System (EMS) document that defines core program responsibilities.)

2b. Repeat SNC with no enforcement. Current SNC facilities with four or more of the last eight quarters in SNC and no formal actions taken in the last two years.

2c. Repeat pattern of effluent violations with no enforcement. Any facility with 25 or more monthly effluent violations over the last two year period, and no enforcement action since the beginning of that period.

2d. Violations with potential for serious environmental impact.

2d1. Serious one-time release without enforcement. This is defined as any reported daily maximum measurement that is more than three times (200%) above the permitted level with no enforcement action taken at the facility following the violation.

2d2. Serious one-time pH release without enforcement. This is defined as any pH violation reported to be less than pH 4, or higher than pH 11.

Note about CWA Pilot Criteria - See Attachment C for ‘Pilot’ Criteria implementation.

3. Resource Conservation and Recovery Act Criteria

NOTE: RCRA criteria are interim and will be reviewed/modified in 2004 to reflect expected changes to the RCRA Enforcement Response Policy.

3a. Chronic SNC with No Action. Current SNC facilities with 4 or more of the last 8 quarters in SNC and no enforcement actions in the last 2 years (all RCRA facilities).

3b. SNC with No Recent Action. In SNC for the last two quarters with no enforcement action during that two quarter period. This criterion tracks the existing RCRA Enforcement Response Policy by tracking facilities that should have already had an administrative action, and also includes facilities that may have had previous actions (e.g., initial order actions), but are continuing in SNC (e.g., prior action has not resolved the SNC).

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Attachment B
Watch List Facility "Status Codes" Definitions

Regions should provide one of the following status codes for each facility on the active Watch List, along with a short written 'explanation' of the circumstances. Generally, the deadline for submitting the codes will be five weeks after the generation of the automated Watch List.

Status Codes:

1 - Data Error – This category captures facilities that were erroneously flagged for the Watch List because of an error in the data systems. For example, a false SNC, or the lack of entry of the enforcement action. Also, use this "Status Code" for AG or DOJ referrals which were not entered into "legacy" system. When these entries are corrected, the facility should normally clear off the Watch List in the next data update.

No further enforcement action needed - This category captures facilities that have been reviewed and either no action is warranted or appropriate action has been taken. Submit either "2a" or "2b" as defined below:

2a.) Management Decision:

- a non-enforcement resolution is required such as a revised permit, change in detection limit, or Quality Assurance issue,
- the violation was resolved without need for formal action, or
- no 'formal enforcement' action planned (management decision - case of low priority)

2b.) Out of Business - Facility is 'out of business' and violations are no longer continuing, thus no further enforcement is planned.

3 - Under Review - This category captures facilities that require further review to determine if a formal enforcement action is appropriate (no formal decision has been made to take a formal action). This category includes facilities where:

- additional investigation or review is required, or
- discussion with the State is required.

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Action Planned - This category captures facilities where it has been determined that a formal enforcement action is appropriate. The Region should report one of the four relevant categories below:

- 4a.) Formal Action In Progress** (i.e. enforcement decision made) or is being drafted;
- 4b.) EPA to Take Lead.** Agency 'lead' will change to EPA;
- 4c.) State to Take Lead.** Agency 'lead' will change to State;
- 4d.) Formal Action Planned** - Case Development In Progress. Additional case development investigation is required prior to action.

5 - Action Taken - This category captures facilities where 'formal enforcement' action has been taken very recently, but was not in the data system at the time that the Watch List was pulled due to accepted data entry practices and timelines per national guidelines/policies. This category includes facilities where:

- a 'formal enforcement' action (e.g., complaint/order issued) has occurred but there is an accepted or normal data entry time lag within time period established by applicable policies or,
- a civil judicial referral has been recently made to the Department of Justice (or State attorney general)

***NOTE (1):** OECA expects that the entry of the action into the data system by the State or EPA will remove the facility from the Watch List during the next data pull.*

***NOTE (2):** Data entry delays which are beyond accepted practices (ex: 2 months) should be reflected as Status Code #1 - Data Error.*

6 - Referral Older than 2 Years - This category captures facilities where a referral has been made and is beyond the "formal enforcement period" (e.g., 2 years) of the Watch List Criteria (i.e., the case is 'referred', by the environmental agency, to the Attorney General (AG) or to the Dept. of Justice (DOJ)). For this "Status Code" the referral must address the violation which caused the facility to be on the Watch List.

7 - Enforcement Order - On Schedule - Some facilities on long-term compliance schedules are under enforcement orders that anticipate some non-compliance with original permit terms until compliance with the order is complete. Regions can use this "Status Code" if they are satisfied that the order addresses all non-compliance problems that are causing the facility to be shown on the Watch List.

NOTE: After using Status Code 7 (or 8) the Region will not be required to provide a status code or explanation for this facility for the next two (2) quarters unless the case status changes. OECA will continue to track these facilities on the automated Watch List as "Inactive" but require the less frequent review (i.e., after using this code, the Region will not have to supply a new status code for the next two quarters).

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8 - Lead Enforcement for Case Referred to Another Program. Use this code if the case has been referred for lead action to another program, e.g., Superfund which may be applicable in the case of RCRA corrective action. Refer to Status Code 7. Refer to Status Code 7 note – OECA will not require a Regional status code or explanation for the two official quarters after this code is used.

Table B-1

Process for Multiple Status Codes Situations.

In cases when multiple status codes apply, use the first code appearing in this priority list:

- | | |
|------|---|
| 3 | Under Review |
| 4a-d | Action Planned |
| 2a-b | No Further Enforcement Action Planned |
| 6 | Referral Older than 2 Years |
| 7 | Enforcement Order - On Schedule |
| 8 | Lead Enforcement for Case Referred to Another Program |
| 5 | Action Taken |
| 1 | Data Error |

All additional Status Codes that apply to a single WL facility should be specifically identified and discussed in the 'Explanation' column of the QRRR. Also, if HQ consultation is needed on policy issues related to a case, please indicate this in the explanation.

NOTE:

1. Status Codes should be supplied to OECA on a media basis. Each Region must download a media-specific WL spreadsheet. If a facility is on the list for 2 or 3 media, the status codes and explanations should be provided for each, separate media. **Do NOT attempt to report multi-media status.**

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Attachment C
Watch List CWA 'Pilot' Criteria Assignments

The OTIS/Watch List Web site will maintain both an "Automated" or total list, an "Active" Watch List and an "Inactive" list. The automated list is the full list of facilities which meet any one or more of all the WL criteria. However, several circumstances will reduce the number of Watch List facilities for which Regions must report status codes or include in their 'quarterly' response report (QRRR). The "Active" Watch List will not include facilities whose "WL criteria" are considered "inactive" due to one or more of the following:

1. Under the CWA criteria, there are four pilot criteria (2b, 2c, 2d1, 2d2). Each Region will be required to submit information or quarterly responses for facilities as assigned below:
 - Criteria 2b - Regions 1, 5;
 - Criteria 2c - Regions 2, 4, 9;
 - Criteria 2d1 - Regions 7, and 8;
 - Criteria 2d2 - Regions 3, 6, and 10.

Facilities will be "inactive" for three of the four criteria within each Region unless a Region or State chooses to pilot more than one criterion. Regions will be able to view their inactive facilities, but will not be required to submit status codes or explanations.

Note: A Region or State may voluntarily participate in more CWA 'pilot' criterion than assigned above. The Region must notify OECA.

2. After a Region uses "status code 7 or 8", the facility will be placed on the "Inactive" Watch List for the following two quarters (unless the facility appears on the Watch List under a new criteria).
3. CWA pilot criteria are related to core enforcement program requirements specified in the CWA Enforcement Management System (EMS). This document discusses the types of violations that should be evaluated by the Regions and States for possible enforcement response.
4. After two (2) official WL quarters are complete, EPA will develop a revised attachment discussing whether the pilot will become permanent, will be modified, or will be deleted.

C-1

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Attachment D
Regional Reporting Guideline

Purpose

This Appendix will provide detailed “how to” descriptions of various tasks as well as “Example” outputs/reports that the Regions and States/Locals will use as they implement their responsibilities in the Watch List project.

Accessing Watch List Web site

1. Access is limited on a multi-level basis and especially a “reason-to-know” basis.
2. First, you must have access to the Online Tracking Information System or OTIS. The OTIS Web site URL is: <http://www.epa.gov/idea/otis/>

Second, your agency must have primary responsibility for enforcement of either the CAA, CWA or RCRA programs. Because of the ‘enforcement sensitive’ and internal management aspects of the Watch List, the Web site access is limited to only those agencies responsible for the program functions of identification, reporting, tracking and coordination with EPA/States for SNC/HPV violation cases. See Section 8 “Access Control” for more details.

3. Click on the **“Region-State Resources” link** on the left navigation bar. This page will provide some basic information about the Watch List and cautionary statements which inform all OTIS users about the limited access of the Watch List Web site.
4. The Watch List Web site is set up so that only EPA employees and State **environmental** agencies can access the WL page (for example, the page cannot be viewed from a home computer nor can it be viewed by other Federal Agencies or their contractors who do have access to the non-sensitive OTIS site). A State agency will only be able to view data for facilities within its state. All State environmental agencies are signed up to use OTIS. However, local agencies must register for OTIS and the WL site (see Section 8 of this SOP). If you experience problems accessing the WL search page, please notify Arnie Leriche at leriche.arnold@epa.gov, so that we can diagnose and fix the problem.

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5. Click on the link titled "enter the site". You are now at the "Watch List Search Page".

How the Watch Lists are created:

1. The Watch List Criteria are used automatically each month through an analysis of the SNC/HPV and enforcement data which gets retrieved or "pulled" from the program databases (i.e., AFS, PCS and RCRAInfo) during the normal IDEA/OTIS refresh process. (See OTIS Web site description of this process at OTIS home page "More About OTIS".)
2. These monthly lists are "frozen" and become a historical representation of the SNC/HPVs that qualify as a Watch List facility based upon one or more of the Watch List Criteria. These facility lists are based on the data residing in the program databases on the "day" of data extraction each month. For the most current and future dates for extraction and refresh see OTIS home page at "Data Refresh Dates" link.

Developing a "Quarterly" Watch List Regional Response Report (QRRR)

1. Perform Search and Download.
2. Follow the directions above to gain access to the Watch List Search page
3. Select one of the "Media" (Default is CAA).
Note: A multi-media version will be developed.
4. Select a Watch List "Month(s)" which represents the period or coverage you want in your list. Normally, you will only choose the month representing the beginning of each calendar quarter. The Web site will "default" to the beginning month of the 'current' quarter.

This selection sets the size of the list in the search based on the facilities having a Watch List Criteria for the month(s) that you select. Normally, the Region/State will choose the month of the "official" Watch List Quarter.

5. The Quarterly Watch List is the list of facilities the Regions must respond to OECA with what we are calling the "Quarterly Regional Response Report" (QRRR).

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6. Choose the month which represents the beginning of the calendar quarter you want. When starting to query the site to produce a "QRRR" **do not select multiple months. If you do this you may be adding facilities that do not require a response for that quarter.**
7. Although you selected only one month, the standard output(s) (i.e., the HTML version you see immediately and the "download" version in Excel format) will show four (4) months of WL criteria (i.e., Jan, initially and grow to Feb, Mar and Apr). However, the list of facilities on the list will only include those facilities meeting one or more criteria for the **month** selected in your search. We strongly suggest that you try several searches with different combinations of months in order to familiarize yourself with the various capabilities and functions of this search page.
8. "Download" your Quarterly Watch List by using the link located at the bottom, left corner of the output table (Download Results). This will convert your results into an MS Excel formatted spreadsheet.
9. Save this file. (Note: It is preferred that you use MS Excel, however Lotus 1-2-3 will be accepted..)
10. Region conducts 'dialogue' with State/Local, collects Status and Explanation for each facility.
11. Region completes QRRR and submits to OECA.
12. The Region must complete the two columns on the right with both a "Status Code" and "Explanation" for each facility on the list.
13. "Status Code" (see descriptions and process to choose only one code in Appendix B)
14. "Explanation" - the explanation should consist of a limited narrative which answers 3 questions related to the current and future status of the SNC/HPV(s) cases. These questions are: (1) Who; (2) What and (3) When regarding the current status of the cases(s) and what actions are planned which will ultimately resolve the SNC/HPV violations(s). Explanations can also include: request for OECA consultation, a list of additional status codes that may apply (e.g., beyond the one reported in the 'Status Code' column, etc).

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Table D-1
Example Status & Explanations

Status Code	Explanation
1	DQ error. Case inadvertently tied to NPDES permit number in ICIS.
2a	Violations addressed with warning letter by State. Violations were corrected by facility within 2 days of inspection and were first time events. No further action is warranted.
4a	Permit modification request denied. Amended Consent Order submitted to permittee for signature on 9/16/2003. Expected final Consent Order issuance by 11/30/2003 with a compliance schedule of 5 years.
3	(1) Regarding WL Criteria 1a the DEP is reviewing violations to determine appropriate enforcement response. Region is monitoring in accordance with HPV Policy. (2) Regarding WL Criteria 1b, there are two HPV cases ongoing. EPA is the lead on the one which triggered the "1b" 'chronic with no penalty' criteria. The status for this one is "1" data error. The penalty of \$26,500 has been entered into AFS.
5	Referral to AG occurred on 7/12/03. DEP is in contact with AG on quarterly basis. Expect filing of complaint NLT Feb, 2004.

15. Once you have created the output download for the correct month/quarter **do not** delete any rows or columns from the Excel worksheet. The list of facilities submitted to OECA at the end of the quarter in the QRRR must match the list of Watch List facilities at the beginning of the quarter.
16. The Regional Office must submit the Excel file(s) as either one file for all States and media or three files (i.e., one for each media).
17. An example timeline for the whole quarterly process (task list) is shown in Table 1-1 of Section 6.3 of the SOP.

"Automated" (Full), "Active" and "Inactive" Watch List facilities?

1. The OTIS/Watch List Web site will maintain both an "automated" or full WL and an "active" WL. The automated list is the full list of facilities which meet any one or more of all the WL criteria. However, several circumstances will reduce the

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number of WL facilities for which Regions must include in their QRRR. The QRRR will be based on the **“active”** list of facilities for the current quarter. The “active” list will **not** include the following situations because they will be considered **“inactive”** for certain periods of time:

- Current “Status Code” is a 7 or 8
- For CWA only, the WL Criteria is not being ‘piloted’ by your Region/State